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EXAMINER

CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,937

Applicant(s)

NGUYEN, JULIEN TAN

Examiner

Philip J Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/2/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claims 1-44 have been examined.

Priority

1. This application filed under former 37 CFR 1.62 lacks the necessary reference to the prior application. A statement reading "This is a continuation of Application No. 08/716641, filed 9/13/1996." should be entered following the title of the invention or as the first sentence of the specification. Also, the current status of the parent nonprovisional application(s) should be included.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 5/9/01 was filed after the mailing date on 2/12/02. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: See page 15, line 6.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,3,10-16,19,20-22,24,31-37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown ("Using Netscape 2") in view of Stratigos et al. (US 5,724,574).

As per claims 1 and 20, although the system disclosed by Brown disclose a system for presenting electronic mail messages to an operator, as claimed, including the steps of

- loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message (see page 369 Fig. 14.15);
- receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded (see page 370 *Opening and Replying to Messages*, where displaying the listings in the mailbox (Fig 14.15), and selecting a listing to open is considered a head prior to message being loaded);
- presenting said first electronic mail message to said operator (see page 370 *Opening and Replying to Messages*); and
- identifying a second one of said electronic mail messages for preloading (see page 369, Fig. 14.15, where a second message is identified as shown by the multiple messages in the summary window).

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it fails to disclose preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Brown, as evidenced by Stratigos et al.

In an analogous art, Stratigos et al. disclose a system for presenting electronic mail messages to an operator, including the steps of:

- preloading a second electronic mail message for later presentation, without interrupting presentation of a first electronic mail message (see column 6, lines 18-26).

Given the teaching of Stratigos et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Brown by preloading a second mail message without interrupting the first message, such as disclosed by Stratigos et al., in order to reduce the cost of transmission when accessing a series of documents (see Stratigos et al. column 2, lines 62-64).

As per claims 3 and 24, Brown in view of Stratigos et al. further disclose presenting at least one of said plurality of headers to said operator in a first window (see Brown page 369 Fig. 14.15); wherein said step of presenting said first electronic mail message uses a second window (see Brown page 370 paragraph 1).

As per claims 10 and 31, Brown in view of Stratigos et al. further disclose storing said second electronic mail message in memory (see Stratigos et al. column 6, lines 27-37, Brown page 370, paragraph 1, where a second message from the window displayed in page 369 Fig. 14.15 can be opened and inherently stored in memory); and presenting said second electronic mail message in response to selection thereof by said operator (see Stratigos et al. column 6, lines 27-37 and Brown page 370, paragraph 1, where a second message from the window displayed in page 369 Fig. 14.15 can be opened).

As per claims 11 and 32, Brown in view of Stratigos et al. further disclose at least one of said electronic mail messages comprises a plurality of pages of hypertext for presentation to said operator (see Brown page 342, paragraph 1).

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As per claims 12 and 33, Brown in view of Stratigos et al. further disclose that presenting said first electronic mail message to said operator includes the steps of selecting one of said plurality of pages of hypertext; and presenting said one page to said operator see Brown page 342, paragraph 1 and Fig. 13.13).

As per claims 13 and 34, Brown in view of Stratigos et al. further disclose that identifying a second electronic mail message for preloading is responsive to a preference designated by said operator (see Stratigos et al. column 6, lines 27-37 and Brown page 370, paragraph 1, where a second message from the window displayed in page 369 Fig. 14.15 can be opened).

As per claims 14 and 35, Brown in view of Stratigos et al. further disclose that identifying a second electronic mail message for preloading is responsive to a sender of said second electronic mail message (it is implied from claims 13 and 34 that a sender chose which documents to send).

As per claims 15 and 36, Brown in view of Stratigos et al. further disclose that identifying a second electronic mail message for preloading is responsive to a set of recipients of said electronic mail message (see Stratigos et al. column 5, lines 23-37 where set of recipients is considered group of users).

As per claims 16 and 37, Brown in view of Stratigos et al. further disclose that identifying a second electronic mail message for preloading is responsive to a priority value for said second electronic message (see Stratigos et al. column 7, lines 6-17).

As per claims 19 and 40, Brown in view of Stratigos et al. further disclose that identifying a second electronic mail message for preloading is responsive to a size of said second mail message (see Brown page 369, Fig. 14.15 and paragraph 2).

As per claim 21, Brown in view of Stratigos et al. further disclose an input element coupled to said input port (see Brown page 370, paragraph 1).

As per claim 22, Brown in view of Stratigos et al. further disclose an output element coupled to said output port (see Brown page 370, paragraph 1, where a window opening implies an output element).

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6. Claims 2,9,23, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Stratigos et al. as applied to claims 1 and 20 above, and further in view of Jiang et al. (US 5,623,603).

7. As per claims 2 and 23, although the system disclosed by Brown in view of Stratigos et al. disclose presenting at least one of said plurality of headers to said operator (see page 369 Fig. 14.15) it fails to disclose interrupting the loading of headers, responsive to said dynamic selection of said first electronic message.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Brown in view of Stratigos et al., as evidenced by Jiang et al..

In an analogous art, Jiang et al. disclose that it would have been obvious to interrupt the loading of headers in response to a selection of said first electronic message (see column 3, lines 7-21, where interrupting headers is analogous to interrupting the transmission of the first data frame when a user changes to a second frame before the first frame has been completely transferred).

Given the teaching of Jiang et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Brown in view of Stratigos et al. by interrupting transmission of a first set of data when a second item is selected, such as disclosed by Jiang et al., in order to change the priority of data before it is completely transmitted (see Jiang et al. columns 2 and 3, lines 66-67 and 1-2).

As per claims 9 and 30, although the system disclosed by Brown in view of Stratigos et al. disclose receiving a dynamic selection of a third one of said electronic message from said operator (see Stratigos et al. column 6, lines 38-55), it fails to disclose interrupting said step of preloading said second electronic mail message, responsive to said dynamic selection of said third electronic mail message.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Brown in view of Stratigos et al., as evidenced by Jiang et al..

Jiang et al. further disclose that it would have been obvious to interrupt the preloading of second mail message in response to a selection of said third electronic message (see column 3, lines 7-21,

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where interrupting second mail message is analogous to interrupting the transmission of the first data frame when a user changes to a second frame before the first frame has been completely transferred).

Given the teaching of Jiang et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Brown in view of Stratigos et al. by interrupting transmission of a first set of data when a second item is selected, such as disclosed by Jiang et al., in order to change the priority of data before it is completely transmitted (see Jiang et al. columns 2 and 3, lines 66-67 and 1-2).

8. Claims 17,18,38,39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Stratigos et al. as applied to claim 1 above, and further in view of Scannell et al (US 5,377,354).

As per claims 17 and 38, although the system disclosed by Brown in view of Stratigos et al. shows substantial features of the claimed invention (discussed above), it fails to disclose that identifying a second electronic mail message for preloading is responsive to a keyword in one of the said headers associated with the electronic message.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Brown in view of Stratigos et al., as evidenced by Scannell et al.

In an analogous art, Scannell et al. disclose identifying a keyword in one of the said headers associated with the electronic message (see column 7, lines 56-65).

Given the teaching of Scannell et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Brown in view of Stratigos et al. by employing keyword comparisons to pick out messages, such as disclosed by Scannell et al., in order to pick out messages that may have a higher priority than others (see Scannell et al. column 9, lines 23-30).

As per claims 18 and 39, Brown in view of Stratigos et al. and in view of Scannell et al. further disclose that identifying a second mail message for preloading is responsive to a keyword in the message (see column 7, lines 56-65).

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9. Claims 4-8,25-29, and 41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Stratigos et al. and further in view of Judson et al (US 5,572,643).

As per claims 4,25,41, and 43, although the system disclosed by Brown in view of Stratigos et al. disclose a method for presenting electronic mail messages to an operator, including the step of:

- loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message (see Brown page 369 Fig. 14.15, and page 370 paragraph 1);
- receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded (see Brown page 370 paragraph 1);
- presenting said first electronic mail message to said operator (see Brown page 370 paragraph 1);
- identifying a second one of said electronic mail messages for preloading (see Stratigos et al. Fig. 4 [308]);
- preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message (see column 6, lines 18-26);
- an input element coupled to said input port [claim 25] (see Brown page 370, paragraph 1); and
- an output element coupled to said output port [claim 25] (see Brown page 370, paragraph 1, where opening a window implies an output element),

it fails to disclose presenting to said operator a status of said step of preloading said second electronic mail message.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Brown in view of Stratigos et al., as evidenced by Judson.

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In an analogous art, Judson disclose presenting to an operator a status of preloading a second electronic mail message (see column 6, lines 35-39, where the inline message is shown as the hypertext document is being downloaded using the status bar from Fig. 5).

Given the teaching of Judson, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Brown in view of Stratigos et al. by showing a status of a preloading message, such as disclosed by Judson, in order to let the user know when the preloading is done so they can proceed to view the preloaded message.

As per claims 5 and 26, Brown in view of Stratigos et al. and in view of Judson further disclose displaying a partial preview of said second electronic mail message (see Fig 5. where a downloading page shows a partial portion of the fully downloaded page [the status bar indicates and unfinished page]); and altering said partial preview in response to a change in status of said step of preloading said second electronic mail message (it is implied as the page continues to download, the partial preview will be altered to include the newly downloaded material).

As per claims 6 and 27, Brown in view of Stratigos et al. and in view of Judson further disclose displaying a preview of second electronic message in a distinct format (see Fig 5. where a downloading page shows a partial portion of the fully downloaded page [the status bar indicates and unfinished page] HTML format).

As per claims 7 and 28 Brown in view of Stratigos et al. and in view of Judson further disclose that status includes the step of displaying at least one graphic element (see Fig. 5, where the graphic element is considered the browser displaying in the bottom left corner the status amount of the page loading).

As per claims 8 and 29, Brown in view of Stratigos et al. and in view of Judson further disclose that status includes displaying text (see Brown Fig. 5. where a page loading indicates the status a percentage of completion).

10. Claims 42 and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Stratigos et al. and in view of Judson as applied to claims 41 and 43 above, and further in view of Jiang et

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al. Although the system disclosed by Brown in view of Stratigos et al. and in view of Judson shows substantial features of the claimed invention (discussed above), it fails to disclose an interrupt mechanism configured to interrupt the download mechanism, responsive to the first input mechanism.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Brown in view of Stratigos et al. and in view of Judson, as evidenced by Jiang et al..

In an analogous art, Jiang et al. disclose that it would have been obvious to have an interrupt mechanism configured to interrupt the download mechanism, responsive to the first input mechanism (see column 3, lines 7-21, where interrupting headers is analogous to interrupting the transmission of the first data frame when a user changes to a second frame before the first frame has been completely transferred).

Given the teaching of Jiang et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Brown in view of Stratigos et al. and in view of Judson by interrupting transmission of a first set of data when a second item is selected, such as disclosed by Jiang et al., in order to change the priority of data before it is completely transmitted (see Jiang et al. columns 2 and 3, lines 66-67 and 1-2).

Double Patenting

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the

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conflicting application or patent is shown to be commonly owned with this application. See 37

CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer.

A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 of the 6,377,978 patent as shown in the table below contains every element of claim 1 of the instant application and as such anticipates claim 1 of the instant application.

Patent US 6,377,978	Instant Application 09/853937
1. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;	1. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;
receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;	receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;
presenting said first electronic mail message to said operator;	presenting said first electronic mail message to said operator;
identifying a second one of said electronic mail	identifying a second one of said electronic mail

messages for preloading; and preloading said electronic mail message for later presentation, without interrupting presentation of said first electronic mail message;	messages for preloading; and preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.
wherein said step of identifying said second electronic mail message for preloading is responsive to a preference designated by said operator.	

Claim 1 of the 6,377,978 patent as shown in the table below contains every element of claim 13 of the instant application and as such anticipates claim 13 as applied to claim 1 of the instant application.

Patent US 6,377,978	Instant Application 09/853937
1. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;	[claim 1]. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;
receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;	receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;

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presenting said first electronic mail message to said operator;	presenting said first electronic mail message to said operator;
identifying a second one of said electronic mail messages for preloading; and preloading said electronic mail message for later presentation, without interrupting presentation of said first electronic mail message;	identifying a second one of said electronic mail messages for preloading; and preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.
wherein said step of identifying said second electronic mail message for preloading is responsive to a preference designated by said operator.	13. A method of claim 1, wherein said step of identifying a second electronic mail message for preloading is responsive to a preference designated by said operator.

Claim 2 of the 6,377,978 patent as shown in the table below contains every element of claim 14 of the instant application and as such anticipates claim 14 as applied to claim 1 of the instant application.

Patent US 6,377,978	Instant Application 09/853937
2. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;	[claim 1]. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;
receiving a dynamic selection of a first one of said electronic mail messages from said operator after	receiving a dynamic selection of a first one of said electronic mail messages from said operator after

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at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;	at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;
presenting said first electronic mail message to said operator;	presenting said first electronic mail message to said operator;
identifying a second one of said electronic mail messages for preloading; and preloading said electronic mail message for later presentation, without interrupting presentation of said first electronic mail message;	identifying a second one of said electronic mail messages for preloading; and preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.
wherein said step of identifying said second electronic mail message for preloading is responsive to a sender of said second electronic mail message.	14. A method of claim 1, wherein said step of identifying a second electronic mail message for preloading is responsive to a sender of said second electronic mail message.

Claim 3 of the 6,377,978 patent as shown in the table below contains every element of claim 15 of the instant application and as such anticipates claim 15 as applied to claim 1 of the instant application.

Patent US 6,377,978	Instant Application 09/853937
3. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;	[claim 1]. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;

receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;	receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;
presenting said first electronic mail message to said operator;	presenting said first electronic mail message to said operator;
identifying a second one of said electronic mail messages for preloading; and preloading said electronic mail message for later presentation, without interrupting presentation of said first electronic mail message;	identifying a second one of said electronic mail messages for preloading; and preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.
wherein said step of identifying said second electronic mail message for preloading is responsive to a set of recipients of said second electronic mail message.	15. A method of claim 1, wherein said step of identifying a second electronic mail message for preloading is responsive to a set of recipients of said second electronic mail message.

Claim 4 of the 6,377,978 patent as shown in the table below contains every element of claim 16 of the instant application and as such anticipates claim 16 as applied to claim 1 of the instant application.

Patent US 6,377,978	Instant Application 09/853937
4. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded	[claim 1]. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded

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separately from its associated electronic mail message;	separately from its associated electronic mail message;
receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;	receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;
presenting said first electronic mail message to said operator;	presenting said first electronic mail message to said operator;
identifying a second one of said electronic mail messages for preloading; and preloading said electronic mail message for later presentation, without interrupting presentation of said first electronic mail message;	identifying a second one of said electronic mail messages for preloading; and preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.
wherein said step of identifying said second electronic mail message for preloading is responsive to a priority value for said second electronic mail message.	16. A method of claim 1, wherein said step of identifying a second electronic mail message for preloading is responsive to a priority value for said second electronic mail message.

Claim 5 of the 6,377,978 patent as shown in the table below contains every element of claim 17 of the instant application and as such anticipates claim 17 as applied to claim 1 of the instant application.

Patent US 6,377,978	Instant Application 09/853937
5. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server,	[claim 1]. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server,

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each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;	each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;
receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;	receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;
presenting said first electronic mail message to said operator;	presenting said first electronic mail message to said operator;
identifying a second one of said electronic mail messages for preloading; and preloading said electronic mail message for later presentation, without interrupting presentation of said first electronic mail message;	identifying a second one of said electronic mail messages for preloading; and preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.
wherein said step of identifying said second electronic mail message for preloading is responsive to a keyword in one of said headers associated with said second electronic mail message.	17. A method of claim 1, wherein said step of identifying a second electronic mail message for preloading is responsive to a keyword in one of said headers associated with said second electronic mail message.

Claim 6 of the 6,377,978 patent as shown in the table below contains every element of claim 18 of the instant application and as such anticipates claim 18 as applied to claim 1 of the instant application.

Patent US 6,377,978	Instant Application 09/853937
6. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;	[claim 1]. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;
receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;	receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;
presenting said first electronic mail message to said operator;	presenting said first electronic mail message to said operator;
identifying a second one of said electronic mail messages for preloading; and preloading said electronic mail message for later presentation, without interrupting presentation of said first electronic mail message;	identifying a second one of said electronic mail messages for preloading; and preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.
wherein said step of identifying said second electronic mail message for preloading is responsive to a keyword in said second electronic mail message.	18. A method of claim 1, wherein said step of identifying a second electronic mail message is responsive to a keyword in said second electronic mail message.

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Claim 7 of the 6,377,978 patent as shown in the table below contains every element of claim 19 of the instant application and as such anticipates claim 19 as applied to claim 1 of the instant application.

Patent US 6,377,978	Instant Application 09/853937
7. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;	[claim 1]. A method for presenting electronic mail messages to an operator, including the steps of loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;
receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;	receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;
presenting said first electronic mail message to said operator;	presenting said first electronic mail message to said operator;
identifying a second one of said electronic mail messages for preloading; and preloading said electronic mail message for later presentation, without interrupting presentation of said first electronic mail message;	identifying a second one of said electronic mail messages for preloading; and preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.
wherein said step of identifying said second electronic mail message for preloading is responsive to a size of said second electronic mail	19. A method of claim 1, wherein said step of identifying a second electronic mail message for preloading is responsive to a size of said second

message.	electronic mail message.
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Claim 8 of the 6,377,978 patent as shown in the table below contains every element of claim 20 of the instant application and as such anticipates claim 20 of the instant application.

Patent US 6,377,978	Instant Application 09/853937
8. Apparatus for presenting electronic mail messages to an operator, said apparatus including: a mail client disposed for coupling to a mail server using a communication link;	20. Apparatus for presenting electronic mail messages to an operator, said apparatus including: a mail client disposed for coupling to a mail server using a communication link;
means at said mail client for loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;	means at said mail client for loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;
an input port at said mail client disposed for receiving a dynamic selection of a first one of said electronic mail messages from an operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;	an input port at said mail client disposed for receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;
an output port at said mail client disposed for presenting said first electronic mail message to said operator;	an output port at said mail client disposed for presenting said first electronic mail message to said operator;
means at said mail client for identifying a second	means at said mail client for identifying a second

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one of said electronic mail messages for preloading;	one of said electronic mail messages for preloading;
means at said mail client for preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message;	means at said mail client for preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.
an input element coupled to said input port;	
and	
and output element coupled to said output port;	
wherein said mean for identifying said second electronic mail message for preloading is responsive to a preference designated by said operator.	

Claim 8 of the 6,377,978 patent as shown in the table below contains every element of claim 21 of the instant application and as such anticipates claim 21 as applied to claim 20 of the instant application.

Patent US 6,377,978	Instant Application 09/853937
8. Apparatus for presenting electronic mail messages to an operator, said apparatus including: a mail client disposed for coupling to a mail server using a communication link;	[claim 20]. Apparatus for presenting electronic mail messages to an operator, said apparatus including: a mail client disposed for coupling to a mail server using a communication link;
means at said mail client for loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from	means at said mail client for loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from

its associated electronic mail message;	its associated electronic mail message;
an input port at said mail client disposed for receiving a dynamic selection of a first one of said electronic mail messages from an operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;	an input port at said mail client disposed for receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;
an output port at said mail client disposed for presenting said first electronic mail message to said operator;	an output port at said mail client disposed for presenting said first electronic mail message to said operator;
means at said mail client for identifying a second one of said electronic mail messages for preloading;	means at said mail client for identifying a second one of said electronic mail messages for preloading;
means at said mail client for preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message;	means at said mail client for preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.
an input element coupled to said input port; and	21. Apparatus as in claim 20, including an input element coupled to said input port.
and output element coupled to said output port;	
wherein said mean for identifying said second electronic mail message for preloading is responsive to a preference designated by said operator.	

Claim 8 of the 6,377,978 patent as shown in the table below contains every element of claim 22 of the instant application and as such anticipates claim 22 as applied to claim 20 of the instant application.

Patent US 6,377,978	Instant Application 09/853937
8. Apparatus for presenting electronic mail messages to an operator, said apparatus including: a mail client disposed for coupling to a mail server using a communication link;	[claim 20]. Apparatus for presenting electronic mail messages to an operator, said apparatus including: a mail client disposed for coupling to a mail server using a communication link;
means at said mail client for loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;	means at said mail client for loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;
an input port at said mail client disposed for receiving a dynamic selection of a first one of said electronic mail messages from an operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;	an input port at said mail client disposed for receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;
an output port at said mail client disposed for presenting said first electronic mail message to said operator;	an output port at said mail client disposed for presenting said first electronic mail message to said operator;
means at said mail client for identifying a second one of said electronic mail messages for preloading;	means at said mail client for identifying a second one of said electronic mail messages for preloading;
means at said mail client for preloading said second electronic mail message for later presentation, without interrupting presentation of	means at said mail client for preloading said second electronic mail message for later presentation, without interrupting presentation of

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said first electronic mail message;	said first electronic mail message.
an input element coupled to said input port; and	
and output element coupled to said output port;	22. Apparatus as in claim 20, including an output element coupled to said o port.
wherein said mean for identifying said second electronic mail message for preloading is responsive to a preference designated by said operator.	

Patent US 6,377,978	Instant Application 09/853937
8. Apparatus for presenting electronic mail messages to an operator, said apparatus including: a mail client disposed for coupling to a mail server using a communication link;	[claim 20]. Apparatus for presenting electronic mail messages to an operator, said apparatus including: a mail client disposed for coupling to a mail server using a communication link;
means at said mail client for loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;	means at said mail client for loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;
an input port at said mail client disposed for receiving a dynamic selection of a first one of said electronic mail messages from an operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail	an input port at said mail client disposed for receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail

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message being loaded;	message being loaded;
an output port at said mail client disposed for presenting said first electronic mail message to said operator;	an output port at said mail client disposed for presenting said first electronic mail message to said operator;
means at said mail client for identifying a second one of said electronic mail messages for preloading;	means at said mail client for identifying a second one of said electronic mail messages for preloading;
means at said mail client for preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message;	means at said mail client for preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.
an input element coupled to said input port; and	
and output element coupled to said output port;	
wherein said mean for identifying said second electronic mail message for preloading is responsive to a preference designated by said operator.	34. Apparatus as in claim 20, wherein said means for identifying a second electronic mail message for preloading is responsive to a preference designated by said operator.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus)." **ELI LILLY AND COMPANY v BARR LABORATORIES, INC.**,

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United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC

(DECIDED: May 30, 2001).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea
Examiner
Art Unit 2153

PJC 12/20/04


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